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In re Application of
Sebti et al
Application No. 09/811,945
Filed: March 21, 2001

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: DECISION GRANTING-IN PART PTA
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This letter is in response to APPLICANTS' "APPLICATION FOR PATENT ADJUSTMENT UNDER 37 CFR 1.705(b)" timely¹ filed on December 5, 2005 requesting that the Office adjust the PTA determination at the time of the notice of allowance from a determination of 64 days to a determination of 207 days.

The letter submitted by Patentees is **GRANTED IN PART**. The Office will add additional PTA to the determination at the time of the mailing of the notice of allowance and such determination will be adjusted to a determination of one hundred and forty (140) days. The Office will adjust the PTA calculation to reflect this determination.

Applicants assert that they are entitled to a determination of 207 days at the time of the mailing of the notice of allowance. Applicants assert that the Office delayed 546 days under 37 CFR 1.702(a)(1). Applicants assert that they delayed by a period of 337 days. Applicants assert that the period of abandonment amounted to a reduction of 280 days. In addition, applicants assert that they delayed by a period of thirty (30) days under 37 CFR 1.704(b) for the submission of the response to the sequence listing requirement on December 21, 2002. In addition, applicants assert a twenty-nine day delay also under 37 CFR 1.704(b) for the submission of the reply on June 23, 2005.

Applicants arguments are persuasive to the extent herein indicated. The Office agrees with applicants determination of 546 days under 37 CFR 1.702(a)(1). In addition, the Office agrees with applicants reduction of 29 days and 30 days under 37 CFR 1.704(b). The Office disagrees with applicants reduction of 280 days under 1.704(c)(3). The Office determined that the reduction amounts to 311 days.² See 37 CFR 1.704(c)(10). In addition, applicant failed to mention the 36-reduction for the submission of the supplemental response on February 12, 2004, a reduction pursuant to 37 CFR 1.704(c)(8). Accordingly, the proper amount of PTA at the time of the mailing of the notice of allowance is 143 (546-29-30-311-36=140).

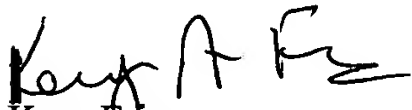
¹Issue fee was paid on Dec. 5, 2005.

²The reduction began on July 31, 2001 (day after abandonment date) and ended on the June 6, 2002, date of the decision reviving the application.

The Office notes that this determination does not include any Office delays pursuant to 37 CFR 1.702(a)(4) or 1.702(b). Moreover, this determination does not include any reductions to patent term adjustment under 37 CFR 1.704(c)(10). These determinations will be included in the final PTA determination that is mailed to applicants in the Issue notification letter and displayed in PAIR.

The Office has assessed the \$200.00 fee. No additional fees are required in determining this application for PTA.

Any questions related to this decision can be addressed to Alesia Brown, Office of Petitions Policy at 571-272-3205.



Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

cc: PAIR calculation